

## **REMARKS**

### **A. Non-Finality of Office Action**

Examiner Sember confirmed on August 2, 2006 that the Office Action mailed June 19, 2006 was a Non-final Office Action. He indicated that the finality was indicated only on the cover page and was an unintended error. Applicant kindly acknowledges that the June 19, 2006 Office Action is non-final.

### **B. Interview**

Applicant graciously thanks the Examiner for granting a telephone interview, which was conducted on August 24, 2006. During that interview, the Examiner agreed to consider Applicant's amendments and arguments relating a light housing for at least partially shielding a floodlight. Those arguments are presented below.

### **C. Rejection of Claims under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) over Hoover.**

In the Office Action, the Examiner rejected Claims 1, 3-9, 11-17 and 20-21 under 35 U.S.C. § 102(e), as anticipated by Hoover. The Examiner also rejected claim 10 under 35 U.S.C. §103(a) as obvious over Hoover. Applicant respectfully submits that the amended claims of the present invention are not anticipated or made obvious by this reference.

### **Amendments to Claims 1, 3-9, 11-17, and 20**

Independent Claim 1 of the present invention, as amended, claims a light housing having at least two attachment arms for attaching the shield to a fixed object. Claims 3-9, 11-17 and 20 each contain similar amendments or depend on Claim 1. Two attachments arms are depicted in figures 2-4 and are supported in the specification in at

least paragraph 49. Originally filed claim 19 also contains disclosure for two attachment arms. Accordingly, this amendment does not introduce new matter into the application.

The outdoor lighting fixture of Hoover contains only one attachment arm, 62, which is labeled as the mounting stake. The reference does not contain any suggestion that more than one mounting stake is necessary or would benefit the lighting fixture. In fact, the application notes in paragraph 20 that the mounting stake may not be required at all in many applications. There is no motivation to combine Hoover with any reference that illustrates more than one attachment stake because additional stakes would not be necessary or helpful to the invention. Accordingly, Hoover does not anticipate or make obvious the claims of the present application.

#### Amendments to Claim 10

Independent Claim 10 of the present invention, as amended, claims a light housing having an aperture in the rear wall of the shield, wherein the aperture is contiguous with the bottom edge of the rear wall and wherein a rear portion of the light source is positioned within the aperture. The positioning of the rear portion of the light source within the aperture is shown in Figure 2 of the application. This feature is also disclosed in at least paragraphs 27 and 50-51 of the application. Thus, these amendments do not constitute new matter.

Hoover does not disclose a light housing having an aperture that is contiguous with the bottom edge of a rear wall wherein a rear portion of the light source is positioned within the aperture. No portion of the light source, 80, is positioned within the aperture, 55 shown in Hoover. Although the Examiner may argue that the bi-pin socket 53 is connected to opening 55, the bi-pin socket is not positioned within the opening 55.

There is no motivation in Hoover to combine it with other references or modify it such that any portion of the light source is positioned within opening 55. Thus, Claim 10 of the application is not anticipated by or made obvious by Hoover.

#### Amendments to Claim 21

Independent Claim 21 of the present invention, as amended, claims a light housing for at least partially shielding an in-ground floodlight. The shielding of in-ground floodlights is discussed throughout the application, and more specifically at paragraphs 28, 30, 31, 32, 37, 38, and 40. An in-ground floodlight is also shown being shielded in Figure 2 of the application. Thus, this amendment does not constitute new matter.

Hoover does not relate at all to a light housing that can be used to shield an in-ground floodlight. Even if the light source in Hoover, 80, is considered by the Examiner to be a floodlight, which Applicant asserts it should not, the light source cannot be considered to be an "in-ground floodlight." The term "in-ground floodlight" is used interchangeably with the term "ground level floodlight" in the application and is further explained in paragraph 40, "In the case of FIG. 2, the light source 12 in outline form is a ground-level floodlight with a plastic stake for removably inserting the floodlight (e.g. the light source) into the ground." Thus, the term "in-ground floodlight" means that the floodlight is in contact with the ground. There is absolutely no suggestion that Hoover's light source, 80, is an "in-ground floodlight." There is no motivation in the reference to modify it to position the light source in contact with the ground. Such a modification would destroy the intent of the invention. Accordingly, Hoover cannot anticipate or make Claim 21 of the present invention obvious.

D. Allowance of Claims

Applicant respectfully acknowledges that the Examiner has allowed Claim 19. Claim 18 has been re-written in independent format, as suggested by the Examiner. Accordingly, Applicant believes that Claim 18 should be in allowable form.

In summary, Applicant respectfully submits that the rejected claims are patentably distinct over the references cited by the Examiner and meet all other statutory requirements. It is believed that the present Application is in complete condition for allowance and, therefore, reconsideration of the rejections in the Office Action is respectfully requested. The Examiner is invited to telephone the undersigned should any issues remain after the consideration of this response.

Please charge any additional fees that may be required to Deposit Account No. 50-2548.

Respectfully requested,

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September 6, 2006  
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